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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,751	10/16/2003	Michael R. Furst	A2484K-US-NP XERZ 2 01274	8683
63995 7590 03/23/2010 FAY SHARPE / XEROX - ROCHESTER 1228 EUCLID AVENUE, 5TH FLOOR THE HALL BUILDING CLEVELAND, OH 44115				
EXAMINER ESKANDARNIA, ARVIN				
ART UNIT 2448		PAPER NUMBER		
MAIL DATE 03/23/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/686,751

Applicant(s)

FURST ET AL.

Examiner

ARVIN ESKANDARNIA

Art Unit

2448

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Aaron Strange/
Primary Examiner, Art Unit 2448

Continuation of 11. does NOT place the application in condition for allowance because:

The applicants' arguments with regards to claims 7, 8 and 17 as mentioned in page 3 of the Response E is not valid since these claims have been cancelled due to a preliminary amendment.

Applicants argue that the examiner has cited a new grounds of rejection in rejection of claims 29, 30, 33, 34. However the examiner respectfully submits that a new grounds of rejection means introducing a completely new prior art reference, and since the examiner is not introducing a new and different prior art reference, therefore the applicants' argument with regards to the new grounds of rejection is not valid.

Regarding the argument on the limitation of claim 26 that recites "regarding at least one of unit configuration parameters, unit status information, available upgrade information, selected upgrade information, selected downgrade information, available update information, requested update information, an error message, and service request information", the examiner respectfully submits that the claim language suggests that at information regarding least one of unit configuration parameters, unit status information, available upgrade information, selected upgrade information, selected downgrade information, available update information, requested update information, an error message, and service request information, is to be provided. Therefore, there would be unnecessary for the prior art reference to disclose every one of different kind of information as mentioned in the claim. Goldstein discloses the step of providing the customer service representative with information necessary to diagnose user's problem. (As mentioned before the customer service representative is using a computer system or unit that obtains the necessary information about the products that requesting service). The said information may at least be the device status information or the error message if not all. This also applies to the arguments regarding the limitations of claims 27 and 28.

Regarding the arguments on the dependent claim 27 that Goldstein does not disclose the interchangeable device model, the examiner respectfully submits that figure 1 of Goldstein's disclosure shows a memory that contains the information about the products that is the Product Identifier List (Fig. 1, Ref. 91 and 93). Interchangeable device model as described by the applicants is responsible to read and use the information from the device model. That is to figure out the exact model of the device that is subject to be provided with service. The Routing device 85 of Goldstein is responsible to communicate with customer service terminals 52a-52e and other computer units 15 across the network 42. As mentioned before the Product Identifier List contains information about products or the computer units connected across the network 42. The routing device upon accepting the request from the computer unit 15 looks up the information about the unit and forwards the request to an appropriate Service terminal. This is also what the interchangeable device model of the current application is designed to do. The Routing device 85 in this case is the device model agent that read the interchangeable device model.

Regarding the applicants' arguments with regards to the dependent claim 28, the examiner respectfully submits that the service terminals 52a-52e are inherently connected to the electrical apparatus via a communication link and that maintenance services and the repair services are provided from the service terminals across the network. The maintenance and/or repair service might be due to an error that was occurred during the system and/or apparatus.

Regarding the argument on claim 29, the examiner respectfully submits that claim language recites that the device module agent is at least one of implemented as a process included in the at least one respective unit and implemented within a physical add-on module that is connected to the respective at least one unit. In other word the device model agent is either implemented as a process in a unit or implemented as a physical unit connected to the unit. Therefore the examiner as mentioned before submits that the routing device 85 is the physical component that is connected to the unit across the network.

Regarding the argument on the rejection of claim 30 that Goldstein does not disclose an application server that is operative to receive application software modules from at least one service provider and the software application modules available for transmission to and installation in the at least one respective device model agent for performing new services in conjunction with the at least one respective unit, the examiner respectfully submits that the service terminals 52a-52e as shown by Goldstein are the service providers as mentioned in the limitation and they are responsible to diagnose and possibly correct operational errors or problems with the apparatus. With regards to the arguments on response to arguments filed by the Office about the statement "where the route analysis and correction of software issue incorporate installing a fix or patch or upgrade for the system across the network", the examiner respectfully submits that this statement was added by the examiner to clarify the rejection. In other words the examiner believes that in order for the system or the service terminal to clear an error message or correction of software, some kind of information such as a patch has to be transmitted across the network to the apparatus that requires the maintenance.

Regarding the argument on the rejection of claims 31 and 41, that Freed does not disclose the device proxy or implementation in a device proxy within an application server, the examiner respectfully disagrees and submits that Freed in paragraph [0042] discloses that the SSL device acts as proxy for one or more servers and the client recognizes the device at the server. As claimed the device model agent is implemented as a device proxy and Freed discloses that the SSL device acts as a proxy and this means that SSL device is implemented as a device proxy.

Regarding the argument on rejection of claim 32, the examiner respectfully submits that (Goldstein, Paragraph [0028], lines 16-20) discloses that the terminals include communication interface that can be modem or other type of conventional transmitter or receiver that would allow terminals to exchange data with the network (Also see Goldstein, Fig. 2 Ref. 39).

Regarding the argument on claim 33, that Goldstein does not disclose an application programming interface. However, as mentioned in the prior response to argument, the examiner respectfully submits that even though Goldstein does not specifically disclose HTTP, HTTPS, JSM, email, 10BaseT, 100BaseT, 10Base2, Modem, IEEE 802.11X, Bluetooth, protocols, however, Goldstein does disclose (Paragraph [0022], Lines 15-23) that the communication interface can be modem. The modem as one of the ordinary skill in the art would understand would communicate with the network through an Ethernet cable that may be the 10BaseT, 100BaseT, 10Base2 as mentioned in the claim. Also this portion of Goldstein's reference suggests that the interface can be wireless that can be the IEEE 802.11X or the interface can be cellular phone that inherently can include Bluetooth. Also the use of protocol and IP is mentioned in paragraph [0014].

Regarding the argument on claim 34, the examiner respectfully submits that Goldstein in Paragraph [0047] discloses that the

customer service representative and the service terminals can change the state of the apparatus. Changing the state of the apparatus may include starting and ending an operation of the apparatus.

Claims 36-44 are system claims corresponding to the system claims 26-35 and are rejected under the same reason set forth as the rejection of claims 26-35 above.